

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

RALPH S. JANVEY, IN HIS CAPACITY AS  
COURT-APPOINTED RECEIVER FOR THE  
STANFORD INTERNATIONAL BANK, LTD.,  
ET AL.

Plaintiff,

V.

JAMES R. ALGUIRE, ET AL.

## Relief Defendants.

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Case No. 03:09-CV-0724-N

**RECEIVER'S SECOND SUPPLEMENTAL COMPLAINT  
AGAINST STANFORD MANAGING DIRECTORS AND  
ADDITIONAL STANFORD FINANCIAL GROUP ADVISORS**

1. On August 26, 2009, Receiver Ralph S. Janvey (the “Receiver”) filed a Supplemental Complaint against Stanford Financial Group Advisors (Doc. 52) and an Appendix in support thereof (Doc. 53) (collectively, the “First Supplemental Complaint”).

2. The four Financial Advisors listed on page 1 of the Appendix in Support of Receiver's Second Supplemental Complaint against Stanford Managing Directors and Additional Stanford Financial Group Advisors (the "Appendix"), filed concurrently herewith, are similarly situated to the Financial Advisors named in the First Supplemental Complaint. For the reasons stated in the First Supplemental Complaint, which are incorporated herein, the Receiver requests similar relief as to the Financial Advisors named in the Appendix as he requested with regard to the Financial Advisors named in the First Supplemental Complaint.

3. The four Stanford Group Company Branch Managing Directors listed on page 2 of the Appendix (the “Managing Directors”)<sup>1</sup> are also similarly situated to the Financial Advisors named in the First Supplemental Complaint. In addition to other CD Proceeds — loans, commissions, bonuses, and Performance Appreciation Rights Plan (“PARS”) payments — the Managing Directors also received Quarterly Compensation payments for their respective branches’ sales of SIB CDs. The Quarterly Compensation payments for the sales of CDs were based upon each branch’s gross CD revenue and upon any profits from the sales of CDs. These Quarterly Compensation payments, therefore, constitute CD Proceeds. For the reasons stated in the First Supplemental Complaint, which are incorporated herein, the Receiver requests similar relief as to the Managing Directors named in the Appendix as he requested with regard to the Financial Advisors named in the First Supplemental Complaint.

#### **PRAYER**

4. Accordingly, the Receiver respectfully requests the following:
- (a) A summary adjudication that CD Proceeds received directly or indirectly by the Financial Advisors and Managing Directors in connection with the sale of fraudulent SIB CDs are subject to a constructive trust for the benefit of the Receivership Estate;
  - (b) A summary adjudication of the amount of CD Proceeds each Financial Advisor or Managing Director received in connection with the sale of fraudulent SIB CDs;

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<sup>1</sup> Upon further review, the Receiver has determined that nine of the Financial Advisors named in the First Supplemental Complaint — Brad Bradham, Jay Comeaux, John Glennon, Grady Layfield, Carol McCann, Douglas McDaniel, Scott Notowich, Eddie Rollins, and Al Trullenque — were Managing Directors.

- (c) An Order providing that each of the Financial Advisors and Managing Directors is liable to the Receivership Estate for an amount equaling the amount of CD Proceeds he or she received from fraudulent CDs;
- (d) An Order allowing the Receiver to withdraw the assets contained in the Pershing and JP Morgan accounts in the names of or controlled by the Financial Advisors and Managing Directors and add those assets, up to the amounts of CD Proceeds received by the Financial Advisors and Managing Directors, to the assets of the Receivership Estate;
- (e) An Order requiring the Financial Advisors and Managing Directors to pay to the Receiver the difference between the amounts contained in their Pershing and JP Morgan accounts and the total amount of fraudulent CD Proceeds received by the Financial Advisors and Managing Directors; and
- (f) Such other and further relief as the Court deems proper under the circumstances.

Dated: September 29, 2009

Respectfully submitted,

**BAKER BOTTS L.L.P.**

By: /s/ Kevin M. Sadler

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**ATTORNEYS FOR RECEIVER RALPH S. JANVEY**

**CERTIFICATE OF SERVICE**

On September 29, 2009, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I will serve the Financial Advisors and Managing Directors individually or through their counsel of record, electronically, or by other means authorized by the Court or the Federal Rules of Civil Procedure. And I further certify that I have served the Court-appointed Examiner, all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Kevin M. Sadler  
Kevin M. Sadler